

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TANISHA A. YOUNG,

Defendant-Appellant.

UNPUBLISHED

April 25, 2000

No. 210034

Wayne Circuit Court

Criminal Division

LC No. 97-006337

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

PER CURIAM.

Defendant appeals as of right from her conviction of receiving or concealing stolen property, MCL 750.535; MSA 28.803, entered after a bench trial. We affirm.

In February, 1997, a 1992 maroon Dodge Spirit belonging to complainant was stolen. When the car was returned in June, 1997, it had been altered in a significant manner. The rear lights had been changed, the original key did not fit the ignition, the VIN had been removed, and the trunk lock had been removed. In May, 1997 defendant was stopped while driving a car which the police believed to be stolen. The VIN plate had been changed, the steering column had been painted to match the interior of the car, and the trunk lock had been removed. Defendant told the police that in January, 1997, her boyfriend had given her the car, which was a 1989 Dodge Spirit, as a gift.

The trial court found defendant not guilty of concealing or misrepresenting the identity of a motor vehicle with intent to mislead, MCL 750.415(2); MSA 28.647(2), and guilty of receiving or concealing stolen property over \$100. The court found that the evidence showed that the car defendant was driving was a 1992 model that had been stolen in February, 1997 and altered. The court found that defendant's statement that she received the car in January, 1997 and titled it in her name at that time was not worthy of belief. Subsequently, the court sentenced defendant to serve one year of probation.

* Circuit judge, sitting on the Court of Appeals by assignment.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution, and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. The trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Petrella*, 424 Mich 221, 268-270, 275; 380 NW2d 11 (1985); *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

In a bench trial, the court must make findings of fact and state separately its conclusions of law. MCR 6.403. Findings are sufficient if it appears that the court was aware of the issues and correctly applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995). We review a trial court's findings of fact for clear error. MCR 2.613(C); *People v Hermiz*, 235 Mich App 248, 255; 597 NW2d 218 (1999), lv gtd 461 Mich 880 (1999).

The elements of receiving or concealing stolen property over \$100 are that: (1) the property was stolen; (2) the property had a fair market value exceeding \$100; (3) the defendant bought, received, possessed, or concealed the property with knowledge that the property was stolen; and (4) the property was identified as being previously stolen. *People v Gow*, 203 Mich App 94, 96; 512 NW2d 34 (1993). The defendant's knowledge that the property was stolen may be actual or constructive. *People v Ainsworth*, 197 Mich App 321, 324; 495 NW2d 177 (1992).

Defendant argues that her conviction of receiving or concealing stolen property over \$100 was not supported by sufficient evidence. We disagree and affirm. Uncontradicted evidence showed that complainant's 1992 Dodge Spirit, valued in excess of \$100, was stolen in February, 1997 and altered. The car that defendant was driving in May, 1997 was a 1992 model, not a 1989 model as represented by defendant, and had alterations that matched those made to complainant's car. The true VIN for the car driven by defendant matched that read into the record by complainant, with the exception of two transposed numbers. This evidence supported the trial court's finding that the car driven by defendant was the car stolen from complainant. The trial court, as trier of fact, was entitled to find that defendant's statement that she received the car in January, 1997 was not worthy of belief. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989). Moreover, the evidence that the car driven by defendant had undergone major alterations supported an inference that defendant had, at a minimum, constructive knowledge that the car was stolen. *People v Salata*, 79 Mich App 415, 421; 262 NW2d 844 (1977). Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction. *Petrella, supra*.

Affirmed.

/s/ Roman S. Gribbs
/s/ Martin M. Doctoroff
/s/ Thomas L. Ludington